

# **Exhibit 10**



NAVJEET BAL  
COMMISSIONER

JOSEPH J. MCDERMOTT  
DEPUTY COMMISSIONER

*The Commonwealth of Massachusetts*

*Department of Revenue*

*Audit Division - Multistate Bureau*

*PO Box 1346*

*Gibsonia, Pennsylvania 15044*

*(617) 887-7770*

February 20, 2009

E-mail:

**jeff\_knopke@circuitcity.com**

Jeff Knopke, Sales Tax Supervisor  
Circuit City Stores, Inc.  
9950 Mayland Drive  
Richmond, VA 23233-1464

RE: MASSACHUSETTS SALES AND USE TAX AUDIT  
TAXABLE PERIOD: JANUARY 1, 2005 THROUGH JULY 31, 2007

This office recently conducted an audit for the above returns. I have reviewed the proposed adjustments and concur with the auditor (s) findings at this time. Explanation of these adjustments is as follows:

- Pursuant to Chapter 64H, Section 2, an excise is hereby imposed upon sales at retail of tangible personal property in the Commonwealth by any vendor at the rate of five percent of the gross receipts of the vendor.
- Pursuant to Chapter 64H, Section 8, "(a) It shall be presumed that all gross receipts of a vendor from the sale of services or tangible personal property are from sales subject to tax until the contrary is established. The burden of proving that a sale of services or tangible personal property by any vendor is not a sale at retail shall be upon such vendor unless he takes from the purchaser a certificate to the effect that the service or property is purchased for resale, and such certificate is received and made available to the commissioner not later than sixty days from the date of notice from the commissioner to produce such certificate. Where a certificate is received within the foregoing time limit but is deficient in some material manner and where such deficiency is thereafter removed,
- Pursuant to Chapter 64I, Section 3, liability of the user-every person using, storing or otherwise consuming in the Commonwealth tangible personal property purchased from a vendor shall be liable for the use tax on such sales.
- Alternate Location Sales (ALS) – As with the prior audit, which included an issuance of an Administrative Summons, audit has requested several times for Circuit City to

produce for determination all documentation concerning this issue pursuant to Chapter 64 H section 8. These proposed transactions are sales in which a Massachusetts customer/resident purchases tangible personal property at a Massachusetts location, receives a stamped receipt which is proposed to support exemption, and then travels to and obtains the tangible personal property at a New Hampshire location. Audit has requested CC to identify these sales by month, produce the DPS customer transactions that make up ALS sales and the date stamped receipts to support exemption. To date Circuit City has failed to provide this documentation and audit proposes to estimate a proposed assessment based on the best information available (prior audit results) pursuant to Chapter 62C, section 28.

- Pursuant to 830 CMR 64H1.1, a service transaction is subject to the tax where :...( 2) The transfer of the tangible personal property occurs, and the value of the property is not inconsequential in relation to the total charge, and the charge for the property is not separately stated on the bill to the customer.
- Pursuant to Chapter 64I, Section 31A (a), a non-resident contractor is required to furnish a bond or deposit with the commissioner 5% of the total amount.
- Pursuant to Chapter 62C, Section 32, interest will be calculated to thirty days from the date at the top of the Notice of Intent to Assess.

Enclosed are the work papers that support the above adjustments for your review or analysis.

If you do not agree with the proposed adjustments, you are entitled to request an Exit Conference. At your option, this conference can be either telephonic or in person at one of our Multistate Offices, as you choose. This conference will afford us the opportunity to (1) discuss the audit results and the issues of fact and law; (2) explore any possible procedural changes needed to facilitate future compliance; and (3) advise you of your rights and available administrative remedies. If you desire a conference you are requested to submit a written position statement prior to the conference, along with pertinent document setting forth the reasons why you believe our proposed adjustments are incorrect.

Please note, if you do not wish to have an exit conference, or if none is held within ten (10) days of the date of this letter (**MARCH 2, 2008**) we will issue a Notice of Intention to Assess (NIA).

Within thirty (30) days from the date of the NIA you may avail yourself of the following options:

1. If you are in agreement with the proposed changes and wish to make payment, please remit your check as directed in the NIA.
2. If you are not in agreement, totally or in part, you may pursue further appeal:
  - a. With the Office of Appeals, by requesting a conference, pursuant to MGL c.62C, sec 26(b), or by submitting a request for settlement consideration, pursuant to MGL c.62C, sec 37C, or

- b. You may allow the case to be assessed and subsequently file Form CA-6, application for Abatement with our Customer Service Bureau, pursuant to c.62C, s.37.0

**Please note that the appeal options outlined above require completion of certain forms. The appropriate forms will be furnished upon issuance of the NIA.**

Very truly yours,

*Thomas Carl Lynch*

THOMAS C. LYNCH, AUDIT MANAGER  
(617) 887-7770  
TCL/ATTACHMENTS

# **Exhibit 11**



MASSACHUSETTS DEPT. OF REVENUE  
PO BOX 1346  
GIBSONIA, PA 15044

Toya Squair Audit Pittsburgh  
Telephone: (617) 887-7764

## NOTICE OF INTENT TO ASSESS

This is an official notice from the Massachusetts Dept. of Revenue.

970C



CIRCUIT CITY STORES INC  
9950 MAYLAND DR # 100  
RICHMOND VA 23233-1464

Notice Date: March 07, 2009

Taxpayer ID Number: [REDACTED] 875

Document Number: 0480 6004 3883

Total Assessment: \$288,289.10

Response Due Date: April 06, 2009

Tax Type: Sales / Use

2 B 00535 v. 03/03/09 203

### You are receiving this notice because...

The Massachusetts Department of Revenue has conducted an audit for the periods 01/01/05 to 07/31/07. As a result of that audit, the Department has adjusted the tax reported for some or all of those periods. Please see page 3 "Assessment Detail" for a breakdown of the changes.

### You may want to consider making a payment.

Interest and, in some cases, penalties will continue to accrue until you pay the full amount owed. If you decide to dispute the amount assessed, you are not required to pay. You may want to pay, however, to avoid additional interest and penalty charges. If your appeal is successful, any money paid will be refunded with applicable interest. Mail your check or money order along with the Payment Coupon shown below.

### Other actions you may take...

If you wish to discuss this notice with the Department of Revenue's Audit Division, please call **Toya Squair** at **(617) 887-7764**. If someone will be representing you, you must complete and submit a Power of Attorney Form (M-2848). This form is available from several sources (see page 2 - "What Type of Assistance is Available").

### If you decide to wait for a bill...



If you do not respond by April 06, 2009, you will receive a bill that reflects the tax that you owe, plus interest and any applicable penalties. Interest and penalties will continue to accrue until you pay the full amount due (see "Understanding the Notice of Intent to Assess" for more information).

Page 1 of 6

Please check the appropriate boxes.

☐ **Submit payment.**

I am paying the following amount:

Write your  
Taxpayer ID #  
on your check  
or money order

\$

Make check or money order payable to:

**Commonwealth of Massachusetts**



CIRCUIT CITY STORES INC

Taxpayer ID Number: [REDACTED] 875

Document Number: 0480 6004 3883

Total Assessment: \$288,289.10

Response Due Date: April 06, 2009

Tax Type: Sales / Use

2 B 00535 v. 03/03/09 203

MAIL TO

Massachusetts Department of Revenue  
P.O. Box 7072  
Boston, MA 02204

(B)  
203

☐ **Address or phone number change.**  
See reverse side.

Do not forget to  
sign your check



COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF REVENUE

Toya Squair Audit Pittsburgh  
Telephone: (617) 887-7764

Taxpayer Name: Circuit City Stores Inc

Notice Date: March 07, 2009

Taxpayer ID Number: [REDACTED] 875

Document Number: 0480 6004 3883

Total Assessment: \$288,289.10

Response Due Date: April 06, 2009

Tax Type: Sales / Use

**Assessment Detail** for Audit Period 01/01/05 to 07/31/07.

For help understanding this section, see page 2 - "Guide to Understanding the Assessment Detail".

No.	Period End Date	Tax Assessment +	Interest Accrued +	Penalty Accrued =	Net Amount Due +	Previous Assessment(s) -	Payments/ Credits =	Balance Due
1	01/31/05	\$12,558.00	\$4,775.19	\$0.00	\$17,333.19	\$1,124,523	\$1,124,523	\$17,333.19
2	02/28/05	\$11,555.00	\$4,320.59	\$0.00	\$15,875.59	\$1,132,389	\$1,132,389	\$15,875.59
3	03/31/05	\$6,549.00	\$2,398.14	\$0.00	\$8,947.14	\$959,807.90	\$959,807.90	\$8,947.14
4	04/30/05	\$6,549.00	\$2,346.81	\$0.00	\$8,895.81	\$930,888.32	\$930,888.32	\$8,895.81
5	05/31/05	\$6,657.00	\$2,331.93	\$0.00	\$8,988.93	\$1,042,563	\$1,042,563	\$8,988.93
6	06/30/05	\$6,564.00	\$2,248.50	\$0.00	\$8,812.50	\$954,769.40	\$954,769.40	\$8,812.50
7	07/31/05	\$6,547.00	\$2,190.58	\$0.00	\$8,737.58	\$1,054,062	\$1,054,062	\$8,737.58
8	08/31/05	\$6,564.00	\$2,144.32	\$0.00	\$8,708.32	\$1,006,825	\$1,006,825	\$8,708.32
9	09/30/05	\$6,617.00	\$2,106.49	\$0.00	\$8,723.49	\$1,083,831	\$1,083,831	\$8,723.49
10	10/31/05	\$7,926.00	\$2,452.52	\$0.00	\$10,378.52	\$1,110,654	\$1,110,654	\$10,378.52
11	11/30/05	\$6,581.00	\$1,979.85	\$0.00	\$8,560.85	\$1,676,919	\$1,676,919	\$8,560.85
12	12/31/05	\$6,551.00	\$1,913.13	\$0.00	\$8,464.13	\$2,786,588	\$2,786,588	\$8,464.13
13	01/31/06	\$6,668.00	\$1,888.94	\$0.00	\$8,556.94	\$1,300,542	\$1,300,542	\$8,556.94
14	02/28/06	\$6,616.00	\$1,822.28	\$0.00	\$8,438.28	\$1,167,481	\$1,167,481	\$8,438.28
15	03/31/06	\$6,457.00	\$1,722.75	\$0.00	\$8,179.75	\$1,120,316	\$1,120,316	\$8,179.75
16	04/30/06	\$6,446.00	\$1,666.29	\$0.00	\$8,112.29	\$1,041,077	\$1,041,077	\$8,112.29
17	05/31/06	\$6,462.00	\$1,615.36	\$0.00	\$8,077.36	\$1,132,533	\$1,132,533	\$8,077.36
18	06/30/06	\$6,456.00	\$1,556.59	\$0.00	\$8,012.59	\$1,173,252	\$1,173,252	\$8,012.59
19	07/31/06	\$6,463.00	\$1,497.20	\$0.00	\$7,960.20	\$1,154,306	\$1,154,306	\$7,960.20
20	08/31/06	\$6,520.00	\$1,449.27	\$0.00	\$7,969.27	\$1,039,271	\$1,039,271	\$7,969.27
21	09/30/06	\$6,462.00	\$1,378.15	\$0.00	\$7,840.15	\$1,156,221	\$1,156,221	\$7,840.15
22	10/31/06	\$9,197.00	\$1,876.51	\$0.00	\$11,073.51	\$1,116,270	\$1,116,270	\$11,073.51
23	11/30/06	\$9,487.00	\$1,851.49	\$0.00	\$11,338.49	\$1,918,984	\$1,918,984	\$11,338.49
24	12/31/06	\$8,326.00	\$1,549.16	\$0.00	\$9,875.16	\$3,130,204	\$3,130,204	\$9,875.16
25	01/31/07	\$7,833.00	\$1,386.68	\$0.00	\$9,219.68	\$1,248,619	\$1,248,619	\$9,219.68
26	02/28/07	\$7,555.00	\$1,276.32	\$0.00	\$8,831.32	\$1,258,114	\$1,258,114	\$8,831.32
27	03/31/07	\$8,157.00	\$1,305.41	\$0.00	\$9,462.41	\$1,130,333	\$1,130,333	\$9,462.41
28	04/30/07	\$6,527.00	\$988.74	\$0.00	\$7,515.74	\$1,064,937	\$1,064,937	\$7,515.74
29	05/31/07	\$6,446.00	\$919.97	\$0.00	\$7,365.97	\$1,101,369	\$1,101,369	\$7,365.97
30	06/30/07	\$6,092.00	\$818.15	\$0.00	\$6,910.15	\$1,088,717	\$1,088,717	\$6,910.15
31	07/31/07	\$9,882.00	\$1,241.79	\$0.00	\$11,123.79	\$1,151,433	\$1,151,433	\$11,123.79
32				<b>TOTAL:</b>	<b>\$288,289.10</b>	<b>\$39,357,813</b>	<b>\$39,357,813</b>	

**TOTAL AMOUNT DUE: \$288,289.10**

**Comments:**

See Ten Day Letter dated 2/17/09.



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## **Understanding the Notice of Intent to Assess**

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### **What is the Notice of Intent to Assess (NIA)?**

The Notice of Intent to Assess (NIA) is not a bill. It is a notification that DOR intends to assess tax liabilities that it determines are owed to the Commonwealth of Massachusetts. It is also an opportunity to resolve matters before a bill is issued.

### **What if a payment was not credited?**

If you believe that you previously made a payment for the amount shown on this Notice of Intent to Assess, contact the representative or Bureau listed on the front page of this notice.

### **What if I would like to appeal this notice?**

If you would like to appeal, you have a right to a pre-assessment conference, to request settlement consideration, or both, with the Office of Appeals (see enclosed "Response Form"). This request must be made within 30 days of the notice date indicated on page 1 of this NIA. Nonfiling cases are not entitled to request a pre-assessment conference or settlement consideration.

### **What happens if I do not respond to this notice?**

At the end of 30 days, you will be sent a bill called a Notice of Assessment (NOA) indicating the amount due. Interest and penalties will continue to accrue until the balance is paid in full.

### **How do I stop interest and penalties from continuing to accrue?**

If you agree with the amount assessed, pay the amount indicated within the 30-day period given. If you are disputing the amount assessed, you may want to pay since interest and, in some cases, penalties will continue to accrue on any unpaid amount for which you are ultimately held responsible. A refund, with applicable interest, will be issued to you if your appeal is successful.

If you pay the full amount indicated on the NIA within the given 30-day period, you will receive a Notice of Assessment (NOA), with a "zero-balance", which serves as your receipt of full payment.

If you make a partial payment or do not pay the amount owed, you will receive a Notice of Assessment. The NOA will indicate the balance due, including interest and penalties. Please note that interest and penalty charges will continue to accrue until the amount owed is paid in full.

### **What if I cannot afford to pay the balance due?**

You may make a partial payment with this notice. When you receive the NOA, there will be instructions on how to request a payment agreement with DOR.

### **What if this notice indicates an overassessment and/or refund?**

If the Department has determined that you are due a credit and/or refund, the amounts are reflected in this Notice of Intent to Assess. At the end of the 30 day period following issuance of this NIA, your account will be adjusted and the credit/refund will be processed automatically. Therefore, if you agree with the findings, you need to take no further action. Please note, the Department may apply any credit/refund to outstanding liabilities for other tax types if those circumstances exist. Generally, you will receive a separate notification if this occurs. If you disagree with the Department's proposed credit/refund you may follow the appeal procedures (see enclosed "Response Form").

### **What are the most common penalties?**

Under Massachusetts law, penalties are automatically imposed on late returns and late payments and when taxpayers have failed to meet other filing requirements. The five most common penalties are:

**Late Return** - A late return will generate a late file penalty of 1% per month on the unpaid tax. The total penalty charge cannot exceed 25% of the unpaid tax. It is calculated from the due date of the return to the date the return is filed.

**Late Payment** - An unpaid balance will generate a 1% penalty per month on the unpaid tax. The total penalty charge cannot exceed 25% of the unpaid tax.

**Underpayment of Estimated Tax** - Income and corporate taxpayers who fail to pay the required amount of tax by the proper due date through estimated and/or withholding payments may be subject to this addition to tax. Individuals whose liabilities exceed \$200 are required to make estimated payments equal to 80% of their current year's tax liabilities or 100% of their prior year's tax liabilities. Corporations whose liabilities exceed \$1000 for any taxable year are required to make estimated tax payments equal to 90% of the current year's tax or 100% of the prior year's tax.

**Federal Change Non-Compliance Penalty** - If you are audited by the IRS, you must report the changes affecting your Massachusetts taxable income to the Department of Revenue within one year from the date of the federal change determination and pay any additional tax, plus interest. Note: If you do not show reasonable cause for failure to comply, an additional penalty of \$100 or ten percent of the additional tax due whichever is smaller will be imposed.

**Failure to File; G.L. Ch.62C Sec. 28** - If you failed to file a required return, DOR may determine the tax due according to the best information available. A penalty may be assessed at not more than double the amount so determined.

### **How is interest accrued?**

Effective July 1, 2003, the interest rate on overpayments is the Federal short-term rate plus two percentage points, simple interest. The rate for underpayments is the Federal short-term rate plus four percentage points, compounded daily. Interest will accrue on unpaid interest and penalties as well as on unpaid tax. It is calculated on:

- 1) unpaid failure-to-file penalties and underpayment of estimated tax penalties starting on the due date through the date of full payment; and
- 2) unpaid failure-to-pay penalties starting on the 31st day after the date of the NOA and continuing to the date of full payment.

### **Additional information on interest and penalties**

To obtain additional information on interest and penalty charges, contact the Customer Service Bureau (CSB) at 617-887-MDOR (6367) or toll-free in Massachusetts at 1-800-392-6089. You may also obtain rate information on our website at [www.mass.gov/dor](http://www.mass.gov/dor) - Forms and Publications - Taxpayer Advisory Bulletin.



MASSACHUSETTS DEPT. OF REVENUE  
PO BOX 1346  
GIBSONIA, PA 15044

Toya Squair Audit Pittsburgh  
Telephone: (617) 887-7764

## NOTICE OF INTENT TO ASSESS

This is an official notice from the Massachusetts Dept. of Revenue.

Notice Date: March 07, 2009

Taxpayer ID Number: [REDACTED] 875

Document Number: 0480 6004 3883

Total Assessment: \$288,289.10

Response Due Date: April 06, 2009

Tax Type: Sales / Use

CIRCUIT CITY STORES INC  
9950 MAYLAND DR # 100  
RICHMOND VA 23233-1464

970C

## RESPONSE FORM

**If you have  
general questions  
about this Notice  
of Intent to  
Assess...**

If what you are seeking is a general discussion of your case or if you want to provide additional information, please contact the representative or Bureau listed above by **APRIL 06, 2009**.

**If you wish to  
appeal this Notice  
of Intent to  
Assess...**

The Office of Appeals is a separate office within the Department of Revenue that: (1) conducts conferences relating to taxpayer appeals of proposed tax assessments; and (2) settles tax disputes when there is a factual or legal issue in dispute. If you wish to appeal this Notice of Intent to Assess, you may request a conference to dispute the proposed assessment pursuant to G.L. Ch. 62C, Sec. 26(b), request settlement consideration pursuant to G.L. Ch. 62C, Sec. 37C, or both, with the Office of Appeals.

If you wish to request a pre-assessment conference and/or settlement consideration, please complete the appropriate section of the Response Form below and submit together with a statement of facts and legal issues in dispute, along with any supporting documentation. Conferences may be conducted by telephone. Please indicate below a telephone number where you can be contacted regarding your appeal and/or for your telephonic conference.

**Deadline for filing  
an appeal...**

You must submit the Response Form and supporting documentation to the address listed in the "Mail To" box on the Response Form. The Response Form must be received by the Department of Revenue by **APRIL 06, 2009** or be postmarked within 25 days of the Notice Date in order for your appeal to be timely filed.

**If you decide to  
wait for a bill...**



If you do not respond by **APRIL 06, 2009**, you will receive a bill that reflects the tax that you owe, plus interest and any applicable penalties. Interest and penalties will continue to accrue until you pay the full amount due (see "Understanding the Notice of Intent to Assess" for more information).

Page 5 of 6

CUT HERE AND RETURN THE FORM BELOW IN THE ENVELOPE PROVIDED

**If you wish to appeal please mail  
this Response Form with all  
written correspondence.**

**Required information  
for appeals:**

Taxpayer Name

Street

Apt No.

City

State

Zip

☐ Please check if this is a new address.

Contact Person

Contact Phone Number ( )



CIRCUIT CITY STORES INC

Notice Date: March 07, 2009

Taxpayer ID Number: [REDACTED] 875

Document Number: 0480 6004 3883

Total Assessment: \$288,289.10

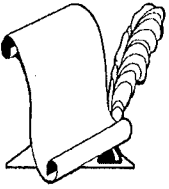
Response Due Date: April 06, 2009

Tax Type: Sales / Use

MAIL TO

MASSACHUSETTS DEPARTMENT OF REVENUE  
TOYA SQUAIR  
PO BOX 1346  
GIBSONIA, PA 15044

(B)



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## ***Taxpayer Bill of Rights***

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DOR must be objective, impartial, professional and ethical in its administration of the tax laws; any information that you as a taxpayer provide to the Department will be handled with the utmost confidentiality and professionalism.

DOR must maintain a Problem Resolution Office and an Office of Internal Affairs to safeguard taxpayers' rights.

DOR may not establish or enforce individual collection goals or collection quotas for its employees.

If you are unable to satisfy a tax liability in full, the Commissioner of Revenue may enter into a payment agreement if the Commissioner determines it will facilitate collection of the tax.

You may obtain representation at any point in your dealings with the Department.

You may be entitled to appeal any DOR decision regarding your tax liability. DOR is obligated to make abatement decisions as promptly as possible and to issue any refunds resulting from abatement decisions within 30 days of such decisions.

You will not be subject to statutory penalties if you make a mistake because you relied on erroneous written advice from DOR representatives acting in their official capacities.

*You can find more comprehensive details on your rights as a taxpayer in "A Guide to the Department of Revenue: Your Taxpayer Bill of Rights". To obtain a copy, visit our website at [www.mass.gov/dor](http://www.mass.gov/dor) or call 617-887-MDOR (6367) or toll-free in Massachusetts at 1-800-392-6089.*

# **Exhibit 12**



MASSACHUSETTS DEPT. OF REVENUE  
PO BOX 7010  
BOSTON, MA 02204

Customer Service Bureau  
Telephone: (617) 887-6367  
www.mass.gov/dor

Notice Date: May 05, 2009

Taxpayer ID Number: 875

Bill Number: 0410 2136 3747

Total Amount Due: \$1,905,081

Payment Due Date: June 04, 2009

Tax Type: Corporation Foreign

## NOTICE OF ASSESSMENT

This is an official notice from the Massachusetts Dept. of Revenue.



CIRCUIT CITY STORES INC  
9950 MAYLAND DR # 100  
RICHMOND VA 23233-1464

400C

2 B 00007 v. 05/05/09 218

### You are receiving this Notice of Assessment because ...

The records of the Massachusetts Department of Revenue indicate that you have an outstanding liability of **\$1,905,081** that you owe to the Commonwealth of Massachusetts. This amount includes tax, interest and penalties. Interest and penalties will continue to accrue until the balance is paid in full (see page 5 for more information). To avoid additional interest and penalty charges, you must pay the total amount due by **June 04, 2009**.

### Actions you should take...

**Submit Payment/Dispute the Assessment** - Make your payment electronically via our website, make a phone payment with an agent at the number listed above, or mail your payment and the coupon shown below. Include your ID # on your check. If you decide to dispute the assessment, you are not required to pay but may want to in order to avoid additional charges. If your appeal is successful, any money paid will be refunded with applicable interest. Note: WFB participants can dispute tax and/or penalty online.

**Enter into a payment agreement** - Visit our website to arrange for monthly payments or call our automated telephone system at (617)887-MDOR (6367) or toll-free in Massachusetts at 1-800-392-6089. For amounts over \$5000 call 617-887-6400.

### Did you Know ...

You can file and pay most business taxes online through DOR's Webfile for Business program. In addition, you can view your account history, pay bills and amend business tax returns. For more information, visit our website at <http://www.mass.gov/dor>.



**WEBFILE FOR BUSINESS**  
<http://www.mass.gov/dor>



Interest and penalties will continue to accrue until you pay the full amount.  
Corporate Efile mandate: Corporations with more than \$100,000 in gross receipts, sales, or income from all sources must transmit all returns, documents and tax payments using electronic means as of January 1, 2005.

Page 1 of 5

CUT HERE AND RETURN THE COUPON BELOW IN THE ENVELOPE PROVIDED



Your payment must be postmarked by  
**June 04, 2009**

400C

CIRCUIT CITY STORES INC  
9950 MAYLAND DR # 100  
RICHMOND VA 23233-1464

Taxpayer ID Number: 875

Bill Number: 0410 2136 3747

Payment Due Date: June 04, 2009

Total Amount Due: \$1,905,081

Enter Amount  
Enclosed

\$

Write your Taxpayer ID # on your check or money order and make it payable to:  
**Commonwealth of Massachusetts**

Please complete only if your address or phone has changed.

Street Apt No.

City State Zip

Home Phone ( ) Work Phone ( )

M  
A  
I  
L  
  
T  
O

Massachusetts Department of Revenue  
P. O. Box 7065  
Boston, MA 02204-7065

2 B 00007 v. 05/05/09 218

(B)  
218

540493875218041021363747001905081512

## Guide to Understanding the Assessment Detail

The diagram shown below will help you to understand your personal assessment information. (See page 3 - "Details of What You Owe" for your personal assessment information.) **Note, the numbers used are for example purposes only.**

Item Number	Type of tax owed	Date that the tax period ended	Internal DOR transaction code	Date of assessment	Amount of tax assessed	Amount of Interest and Penalties accrued as of Payment Due Date	Payments and/or Credits previously received	Balance of each line number
No.	Tax Type	Period End Date	Trans Type	Assessment Date	Tax Liability	Interest Accrued	Penalty Accrued	Payments/ Credits = Balance Due
01	Sale/Use	12/31/99	101	02/12/01	\$142.89	\$0.00	\$15.21	\$142.89 \$24.79
02		12/31/00	101	02/12/01	\$216.52	\$0.00	\$16.32	\$216.52 \$23.85
Subtotal:								\$48.64
Total Amount Due:								\$48.64

## \*Most Common Tax Types

ESTATE.....Estate Tax	INCOME.....Individual Income Tax	CORP DOM.....Domestic Corporation
SALE/USE.....Sales Use Tax	ROOM OCC.....Room Occupancy Tax	CORP FOR.....Foreign Corporation
MEALS.....Meals Tax	WITH INC.....Withholding Tax	FIDO.....Fiduciary Income

## What Type of Assistance is Available?



**Massachusetts Department of Revenue**  
website: <http://www.mass.gov/dor>

Our Website offers a variety of information and electronic payment options including "Your Taxpayer Bill of Rights", rulings and regulations, Form CA-6, Application for Abatement/Amended Return, as well as many other tax forms and publications.



**Interactive Voice Response (IVR)**  
617-887-MDOR (6367) or toll-free within  
Massachusetts at 1-800-392-6089

Call 24 hours a day to access our automated IVR system to order forms, enter a small payment agreement or check the status of your refund.

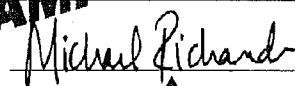


### Call the Department of Revenue (DOR)

Contact the representative or Bureau listed on the front page of this notice if you have questions or need assistance.

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Make check or money order payable to:  
**Commonwealth of Massachusetts**

Michael Richards 100 Ravine Road Boston, MA 02204		DATE 05/05/09	1234
PAY TO THE ORDER	Commonwealth of Massachusetts	\$1000.00	
One Thousand and 00/100		DOLLARS	
Bank of America			
			

Do not forget to write your  
Taxpayer ID Number

Do not forget to  
sign your check



COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF REVENUE  
Customer Service Bureau  
Telephone: (617) 887-6367

Taxpayer Name: Circuit City Stores Inc

Notice Date: May 05, 2009

Taxpayer ID Number: 0410 2136 3747

Bill Number: 0410 2136 3747

Total Amount Due: \$1,905,081

Payment Due Date: June 04, 2009

Tax Type: Corporation Foreign

## Details of What You Owe

For help understanding this section, see page 2 - "Guide to Understanding the Assessment Detail".

No.	Tax Type*	Period End Date	Trans Type	Assessment Date	Tax Liability	+	Interest Accrued	+	Penalty Accrued	-	Payments/Credits	=	Balance Due
1	CORP FOR	02/29/04	700	11/25/08	\$194,777		\$77,775.75		\$0.00		\$0.00		\$272,552
2		02/28/05	700	11/25/08	\$506,223		\$162,818		\$0.00		\$0.00		\$669,041
3		02/28/06	700	11/25/08	\$463,970		\$103,064		\$0.00		\$0.00		\$567,034
4											<b>Subtotal:</b>		<b>\$1,508,628</b>
5	SALE/USE	01/31/05	700	04/12/09	\$12,558.00		\$4,341.00		\$0.00		\$0.00		\$16,899
6		02/28/05	700	04/12/09	\$11,555.00		\$3,922.92		\$0.00		\$0.00		\$15,477
7		03/31/05	700	04/12/09	\$6,549.00		\$2,174.02		\$0.00		\$0.00		\$8,723
8		04/30/05	700	04/12/09	\$6,549.00		\$2,123.98		\$0.00		\$0.00		\$8,672
9		05/31/05	700	04/12/09	\$6,657.00		\$2,106.77		\$0.00		\$0.00		\$8,763
10		06/30/05	700	04/12/09	\$6,564.00		\$2,027.75		\$0.00		\$0.00		\$8,591
11		07/31/05	700	04/12/09	\$6,547.00		\$1,971.71		\$0.00		\$0.00		\$8,518
12		08/31/05	700	04/12/09	\$6,564.00		\$1,926.19		\$0.00		\$0.00		\$8,490
13		09/30/05	700	04/12/09	\$6,617.00		\$1,887.97		\$0.00		\$0.00		\$8,504
14		10/31/05	700	04/12/09	\$7,926.00		\$2,192.54		\$0.00		\$0.00		\$10,118
15		11/30/05	700	04/12/09	\$6,581.00		\$1,765.41		\$0.00		\$0.00		\$8,346
16		12/31/05	700	04/12/09	\$6,551.00		\$1,701.11		\$0.00		\$0.00		\$8,252
17		01/31/06	700	04/12/09	\$6,668.00		\$1,674.60		\$0.00		\$0.00		\$8,342
18		02/28/06	700	04/12/09	\$6,616.00		\$1,610.91		\$0.00		\$0.00		\$8,226
19		03/31/06	700	04/12/09	\$6,457.00		\$1,517.84		\$0.00		\$0.00		\$7,974
20		04/30/06	700	04/12/09	\$6,446.00		\$1,463.08		\$0.00		\$0.00		\$7,909
21		05/31/06	700	04/12/09	\$6,462.00		\$1,413.02		\$0.00		\$0.00		\$7,875
22		06/30/06	700	04/12/09	\$6,456.00		\$1,355.88		\$0.00		\$0.00		\$7,811
23		07/31/06	700	04/12/09	\$6,463.00		\$1,297.80		\$0.00		\$0.00		\$7,760
24		08/31/06	700	04/12/09	\$6,520.00		\$1,249.64		\$0.00		\$0.00		\$7,769
25		09/30/06	700	04/12/09	\$6,462.00		\$1,181.77		\$0.00		\$0.00		\$7,643
26		10/31/06	700	04/12/09	\$9,197.00		\$1,599.13		\$0.00		\$0.00		\$10,796
27		11/30/06	700	04/12/09	\$9,487.00		\$1,567.48		\$0.00		\$0.00		\$11,054
28		12/31/06	700	04/12/09	\$8,326.00		\$1,301.79		\$0.00		\$0.00		\$9,627
29		01/31/07	700	04/12/09	\$7,833.00		\$1,155.74		\$0.00		\$0.00		\$8,988
30		02/28/07	700	04/12/09	\$7,555.00		\$1,055.10		\$0.00		\$0.00		\$8,610
31		03/31/07	700	04/12/09	\$8,157.00		\$1,068.38		\$0.00		\$0.00		\$9,225
32	SALE/USE	04/30/07	700	04/12/09	\$6,527.00		\$800.49		\$0.00		\$0.00		\$7,327
33		05/31/07	700	04/12/09	\$6,446.00		\$735.46		\$0.00		\$0.00		\$7,181
34		06/30/07	700	04/12/09	\$6,092.00		\$645.05		\$0.00		\$0.00		\$6,737
35		07/31/07	700	04/12/09	\$9,882.00		\$963.15		\$0.00		\$0.00		\$10,845
36		08/31/07	700	04/19/09	\$7,396.00		\$659.05		\$0.00		\$0.00		\$8,055
37		09/30/07	700	04/19/09	\$7,396.00		\$599.70		\$0.00		\$0.00		\$7,995
38		10/31/07	700	04/19/09	\$7,396.00		\$538.82		\$0.00		\$0.00		\$7,934
39		11/30/07	700	04/19/09	\$7,396.00		\$480.35		\$0.00		\$0.00		\$7,876
40		12/31/07	700	04/19/09	\$7,396.00		\$424.75		\$0.00		\$0.00		\$7,820
41		01/31/08	700	04/19/09	\$7,396.00		\$371.95		\$0.00		\$0.00		\$7,767
42		02/29/08	700	04/19/09	\$7,396.00		\$322.87		\$0.00		\$0.00		\$7,718
43		03/31/08	700	04/19/09	\$7,396.00		\$274.94		\$0.00		\$0.00		\$7,670



COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF REVENUE

Customer Service Bureau  
Telephone: (617) 887-6367

Taxpayer Name: Circuit City Stores Inc

Notice Date: May 05, 2009

Taxpayer ID Number: [REDACTED] 875

Bill Number: 0410 2136 3747

Total Amount Due: \$1,905,081

Payment Due Date: June 04, 2009

Tax Type: Corporation Foreign

## Details of What You Owe

For help understanding this section, see page 2 - "Guide to Understanding the Assessment Detail".

No.	Tax Type*	Period End Date	Trans Type	Assessment Date	Tax Liability	+	Interest Accrued	+	Penalty Accrued	-	Payments/Credits	=	Balance Due
44		04/30/08	700	04/19/09	\$7,396.00		\$231.06		\$0.00		\$0.00		\$7,627
45		05/31/08	700	04/19/09	\$7,396.00		\$185.98		\$0.00		\$0.00		\$7,581
46		06/30/08	700	04/19/09	\$7,396.00		\$146.72		\$0.00		\$0.00		\$7,542
47		07/31/08	700	04/19/09	\$7,396.00		\$108.48		\$0.00		\$0.00		\$7,504
48		08/31/08	700	04/19/09	\$7,396.00		\$70.44		\$0.00		\$0.00		\$7,466
49		09/30/08	700	04/19/09	\$7,396.00		\$29.76		\$0.00		\$0.00		\$7,425
50		10/31/08	700	04/19/09	\$7,396.00		\$0.00		\$0.00		\$0.00		\$7,396
51											<b>Subtotal:</b>		<b>\$396,452</b>

\* See explanation of the Most Common Tax Types on page 2.

Recent payments may not be reflected.

**TOTAL AMOUNT DUE: \$1,905,081**





## Taxpayer Bill of Rights

DOR must be objective, impartial, professional and ethical in its administration of the tax laws; any information that you as a taxpayer provide to the Department will be handled with the utmost confidentiality and professionalism.

You may obtain representation at any point in your dealings with the Department.

You are entitled to appeal any DOR decision regarding your tax liability. DOR is obligated to make abatement decisions as promptly as possible and to issue any refunds resulting from abatement decisions within 30 days of such decisions.

You will not be subject to statutory penalties if you make a mistake because you relied on erroneous written advice from DOR representatives acting in their official capacities.

*You can find more comprehensive details on your rights as a taxpayer in "A Guide to the Department of Revenue: Your Taxpayer Bill of Rights". To obtain a copy, visit our website at [www.mass.gov/dor](http://www.mass.gov/dor) or call 617-887-MDOR (6367) or toll-free in Massachusetts 1-800-392-6089.*

DOR must maintain a Problem Resolution Office and an Office of Internal Affairs to safeguard taxpayers' rights.

DOR may not establish or enforce individual collection goals or collection quotas for its employees.

If you are unable to satisfy a tax liability in full, the Commissioner of Revenue may enter into a payment agreement if the Commissioner determines it will facilitate collection of the tax.

## Understanding the Notice of Assessment

### What is the Notice of Assessment?

The Notice of Assessment (NOA) is a bill that is sent when DOR determines you owe a tax liability to the Commonwealth of Massachusetts. The liability may be the result of an audit, a late and/or unpaid return or an error on a return.

### What if a payment was not credited?

If you believe that you previously made a payment for the amount shown on this Notice of Assessment, contact the representative or Bureau listed on the front page of this notice. WFB users can check payments online.

### What if I disagree with this notice or would like to appeal?

You may appeal by filing an Application for Abatement (Form CA6) within the time allowed for making an application. WFB users can file appeals for tax or penalty via the amend section of our online program. This is the fastest means of resolving your issue. An online Income tax abatement application will be available in the fall of 2004. Please contact the Customer Service Bureau at (617) 887-6367 or toll-free in Mass. At 1-800-392-6089 with any questions.

### Should I pay even if I am disputing this assessment?

You are not obligated to pay an amount that you are disputing. However, you may want to pay since interest and, in some cases, penalties will continue to accrue on any unpaid amount for which you are ultimately held responsible. A refund resulting from an abatement will include interest computed from the date a complete application was filed.

### What if I do not have the money to pay?

If you cannot pay the full amount that you owe, you may be able to pay the total liability through monthly installments or credit card. To request a payment agreement for amounts under \$5,000, visit our website or call 617-887-MDOR (6367) or toll-free in Massachusetts at 1-800-392-6089. For amounts over \$5,000, call 617-887-6400.

Note: DOR may refuse to allow a payment agreement if a taxpayer has a history of delinquency; has the resources to settle the debt immediately; or if the agreement jeopardizes the ultimate collection of the tax due.

### What happens if I do not respond to this notice?

If you do not pay the amount due and do not dispute the assessment by filing an application for abatement, DOR will pursue full payment using a series of collection tools up to and including your name being published on our website.

### What are the most common penalties?

Under Massachusetts law, penalties are automatically imposed on late returns and late payments and when taxpayers have failed to meet other filing requirements. The four most common penalties are:

**Late Return** - A late return will generate a late file penalty of 1% per month on the unpaid tax. The total penalty charge cannot exceed 25% of the unpaid tax. It is calculated from the due date of the return to the date the return is filed.

**Late Payment** - An unpaid balance will generate a 1% penalty per month on the unpaid tax. The total penalty charge cannot exceed 25% of the unpaid tax.

**Underpayment of Estimated Tax** - Income and corporate taxpayers who fail to pay the required amount of tax by the proper due date through estimated and/or withholding payments may be subject to this addition to tax. Individuals whose liabilities exceed \$200, \$400 for tax year beginning 01/01/05, are required to make estimated payments equal to 80% of their current year's tax liabilities or 100% of their prior year's tax liabilities. Corporations whose liabilities exceed \$1000 for any taxable year are required to make estimated tax payments equal to 90% of the current year's tax or 100% of the prior year's tax.

### Penalty for failure to Comply with Efile Mandate:

A penalty of \$100 for each payment/extension payment (trans type 92A) or return/extension filing (92B) not submitted electronically when required.

### How is interest accrued?

Effective July 1, 2003, the interest rate on overpayments is the Federal short-term rate plus two percentage points, simple interest. The rate for underpayments is the Federal short-term rate plus four percentage points, compounded daily. Interest will accrue on unpaid interest and penalties as well as on unpaid tax. It is calculated on:

- 1) unpaid failure-to-file penalties and underpayment of estimated tax penalties starting on the due date through the date of full payment; and
- 2) unpaid failure-to-pay penalties starting on the 31st day after the date of the NOA and continuing to the date of full payment.

### Additional information on interest and penalties

To obtain additional information on interest and penalty charges, contact the Customer Service Bureau (CSB) at 617-887-MDOR (6367) or toll-free in Massachusetts at 1-800-392-6089. You may also obtain rate information on our website at <http://www.mass.gov/dor> - Forms and Publications - Taxpayer Advisory Bulletin or see our online tax guide.